

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHARLES T. NEUBAUER,)
Petitioner,)
v.) No. 4:16-CV-767 NAB
JENNIFER SACHSE,)
Respondent.)

MEMORANDUM AND ORDER

The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). [Doc. 7.] This matter is before the undersigned on Petitioner's motion for reconsideration regarding the denial of his previous request for appointment of counsel. [Doc. 23.] Respondent has not filed a response and the time to do so has passed.

There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including whether the petitioner has presented non-frivolous allegations supporting his or her prayer for relief, whether the petitioner will substantially benefit from the appointment of counsel, whether the petitioner's claims involve information readily available to him, and whether the factual and legal issues presented by the action are complex. See *Phillips v. Jasper County Jail*, 437 F.3d 791, 94 (8th Cir. 2006), *Johnson v. Williams*, 788 F.2d 1319, 1322-23 (8th Cir. 1986), *Nelson*, 728 F.2d at 1005.

In the case at bar, it appears that petitioner has presented non-frivolous allegations in his petition. However, he has demonstrated, at this point, that he is well-able to present his claims to

the Court, and it therefore cannot be said that he would substantially benefit from the appointment of counsel. In addition, neither the factual nor the legal issues appear complex, and there is no indication that petitioner's claims involve information that is not readily available to him. However, the Court recognizes that the relevant circumstances may change as the case progresses. The Court will therefore deny the motion for the appointment of counsel, without prejudice, and will entertain future motions for appointment of counsel if circumstances do so change.

Accordingly,

IT IS HEREBY ORDERED that petitioner Charles T. Neubauer's motion for the appointment of counsel [Doc. 23.] is **DENIED** without prejudice.



NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE

Dated this 2nd day of July, 2018.